

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6(4), the Department of Human Services proposes to amend Chapter 65, "Food Assistance Program Administration," Iowa Administrative Code.

The proposed amendment shortens the maximum period for which the Department can collect on a food assistance claim that is the result of an agency error. With this change, the Department will be limited to establishing a claim for benefits incorrectly issued up to a maximum of one year before the date the Department's error is discovered.

The Department is proposing this change to make the process for correcting agency errors more equitable. If food assistance benefits are underissued, the Department goes back only 12 months when issuing corrective benefits. However, the Department currently goes back 36 months to collect on benefits overissued due to agency error. Most agency errors are discovered within 12 months. Since all collected overpayments for agency errors are paid to the federal government, the state will not lose out on potential collections.

Claims resulting from household errors will continue to be calculated for up to 36 months before the date when the error is discovered. Claims resulting from intentional program violations will continue to be calculated for up to six years before the date when the violation is determined.

This amendment does not provide for waivers in specified situations because shortening the claim period is a benefit to households with overissued benefits due to an agency error.

Any interested person may make written comments on the proposed amendment on or before May 13, 2009. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

This amendment is intended to implement Iowa Code section 234.6(7).

The following amendment is proposed.

Amend subrule 65.21(1) as follows:

65.21(1) *Time period.* Inadvertent household error ~~and agency error~~ claims shall be calculated back to the month the error originally occurred to a maximum of three years ~~prior to~~ before the month of discovery of the overissuance. Agency error claims shall be calculated back to the month the error originally occurred to a maximum of one year before the month of discovery of the overissuance.